IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 19703 of 2006(U)

PETITIONER:

T.SOBHAKUMARI, AGED 49 YEARS,
W/O.DR.SREELAL, PROFESSOR, (BIO-PHYSICS),
MEDICAL COLLEGE HOSPITALS, TRIVANDRUM,
NOW TRANSFERRED TO MEDICAL COLLEGE, ALAPPUZHA.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS:
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1. THE GOVERNMENT OF KERALA, REP. BY
SECRETARY, HEALTH AND FAMILY WELFARE (B)
DEPARTMENT, TRIVANDRUM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
TRIVANDRUM.

3. DR.KUMARI SHEELA,
PROFESSOR, DEPARTMENT OF PHYSIOLOGY,
MEDICAL COLLEGE, TRIVANDRUM.

BY ADV. SRI.ELVIN PETER P.J.
SRI.S.RAMESH
GOVERNMENT PLEADER SRI.T.T.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE G.O. RTD. 28-4-94 ISSUED BY R1**
EXT.P2	**TRUE COPY OF THE ORDER DTD. 11-8-99.**
EXT.P3	**TRUE COPY OF THE ORDER DTD. 9-10-02 ISSUED BY R1**
EXT.P4	**TRUE COPY OF THE RELEVANT PORTION OF THE MINIMUM QUALIFICATION FOR TEACHERS IN MEDICAL INSTITUTIONS REGULATIONS 1998 ISSUED BY THE MEDICAL COUNCIL OF INDIA**
EXT.P5	**TRUE COPY OF THE GOVT ORDER DATED 25-07-05 ISSUED BY R1**
EXT.P6	**TRUE COPY OF THE JUDGMENT IN W.P.C.NO.25965/05**
EXT.P7	**TRUE COPY OF THE GOVT. ORDER DATED 15-06-06 ISSUED BY R1**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.19703 OF 2006

Dated this the 23rd day of March, 2007

JUDGMENT

Petitioner challenges Ext.P7. Petitioner was working as Professor in Bio-Physics in the Medical College at Thiruvananthapuram. By Ext.P7 order dated 15-06-2006, allowing the request of the third respondent, petitioner was transferred to Medical College, Alappuzha and the third respondent was posted in place of the petitioner.

2. The main contention of the petitioner is that only a person who is qualified to the post of Professor in Bio-Physics can hold the post. According to the petitioner, she is having the said qualification and she was working there and the third respondent was not qualified.

3. On the other hand, learned Government Pleader submits that both the petitioner and the third respondent were not qualified

to hold the post of Professor in Bio-Physics.

4. According to the third respondent, both the petitioner and the third respondent was allowed to teach the subject of Bio-Physics.

5. Learned counsel for the petitioner submits that as the third respondent is due to retire on 30-04-2007 and there is no interim stay also, he is not opposed to the third respondent continuing till 30-04-2007, when he retires. He submits that petitioner may however be considered for the said post, when there is a vacancy consequent upon the retirement of third respondent on 30-04-2007. Learned counsel submits that petitioner has infact already applied for transfer to the current post held by the third respondent for being considered in the next general transfer.

6. Learned Government Pleader submits that case of the petitioner will be considered at the time of general transfer in accordance with law.

Accordingly, the writ petition is disposed of directing the first

respondent to consider the claim of the petitioner for appointment to the post of Professor in Bio-Physics in Govt. Medical College, Thiruvananthapuram at the time of next general transfer in accordance with law. I am not going into the question as to who is qualified to be appointed as Professor in Bio-Physics and it is left open.

K.M.JOSEPH
JUDGE

sv.